

Exhibit C

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSE COULTER-OWENS, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

RODALE INC.,

Defendant.

Case No. 2:14-cv-12688

Honorable Robert H. Cleland

DECLARATION OF RICHARD BITHELL REGARDING NOTICE PROCEDURES

I hereby declare and state as follows:

1. I am a Senior Project Manager at Epiq Class Action & Mass Tort Solutions “Epiq.” I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. Epiq was retained to, among other things, mail the Postcard Notice with the attached Claim Form (the “Postcard Notice”); send the Email Notice with an electronic link to the Claim Form; make the Long Form Notice and Claim Form available on the settlement website; establish and ensure the operation of the automated phone system; and perform other duties as specified in the Class Action Settlement Agreement (the “Settlement”) preliminarily approved by this Court on May 3, 2016.

Epiq’s Experience Administering Class Action Settlements

3. Epiq is a firm with more than 20 years of experience in claims processing and settlement administration. Epiq’s class action administration services include coordination of all

notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with United States Postal Service, claims database management, claims adjudication, funds management, and distribution services.

CAFA Notice

4. Epiq's implementation of notice pursuant to the Class Action Fairness Act, 28 U.S.C. § 1715 ("CAFA"), is detailed in the *Declaration of Stephanie J. Fiereck, Esq. On Implementation of CAFA Notice*, dated January 11, 2016, , which is attached hereto as Exhibit A.

Class Notice

5. Rodale provided Epiq with a class list containing contact information, including names and mailing addresses. The initial class list contained data for 611,107 potential class members. Epiq identified and combined 190 duplicate address records on that list, resulting in 610,917 records remaining on the initial Class List.

6. Of the 610,917 records on the initial Class List, 61 had incomplete mailing addresses, resulting in 610,856 records on the initial Class List.

7. Of the 610,856 records on the initial Class List, 283,630 contained a valid email address.

8. Prior to mailing, Epiq caused the addresses in the Class list to be updated using the National Change of Address database ("NCOA") maintained by the U.S. Postal Service. A total of 4,963 addresses were found and updated.

9. On May 31, 2016, Epiq caused the Court-approved Postcard Notice (a true and accurate copy of which is attached as Exhibit B) to be sent to each of the 327,226 complete addresses on the initial Class List.

10. On May 31, 2016, Epiq caused the Court-approved Email Notice (a true and accurate copy of which is attached as Exhibit C) to be sent to each of the 283,630 claimants with a valid email address on the initial Class List.

11. On June 16, 2016 Rodale provided Epiq with a supplemental class list, including names and mailing addresses for 841 potential class members. Epiq identified 1 duplicate address, resulting in 840 records on the supplemental Class List. Of the 840 records on the supplemental Class List, 259 contained a valid email address.

12. Prior to mailing to potential class members on the supplemental Class List, Epiq caused the addresses in the Class list to be updated using the National Change of Address database (“NCOA”) maintained by the U.S. Postal Service. A total of 16 addresses were found and updated.

13. On June 27, 2016, Epiq caused the Court-approved Email Notice to be sent to each of the 259 records with a valid email address on the supplemental Class List.

14. On July 1, 2016, Epiq caused the Court-approved Postcard Notice to be sent to each of the 581 complete addresses on the supplemental Class List.

15. Epiq mailed Postcard Notices to all records whose Email Notice was returned as undeliverable. A total of 69,013 Postcard Notices have been sent to class members whose Email Notices were returned as undeliverable.

16. As of August 17, 2016, Epiq has received a total of 20,582 Postcard Notices returned as undeliverable by the U.S. Postal Service without a forwarding address. As of August 17, 2016, 376,146 Postcard Notices and 214,876 Email Notices have not been returned as undeliverable.

17. Accordingly, the Postcard and Email Notices reached approximately 96.6% of Settlement Class Members.

Toll-Free Telephone Number

18. On May 13, 2016, Epiq established a toll-free telephone number dedicated to answering telephone inquiries from Settlement Class Members and allowing Class Members to request a postcard notice be sent to them. As of August 18, 2016, Epiq has received a total of 3,613 calls.

Website

19. On May 13, 2016, Epiq established a website (<https://www.michiganmagazinesettlement.net/>) dedicated to this settlement to provide additional information to the Class Members, to answer frequently asked questions, and to allow Class Members to submit claims electronically. Visitors of the website can download the Class Action Complaint, Defendant's Answer and Additional Defenses, Preliminary Approval Order, the Settlement Agreement, the Class Notice, the Claim Form, Rodale's Updated Privacy Policy and the Motion for Attorney's Fees. The web address was set forth in the Postcard Notice.

Requests for Exclusion

20. The deadline for Class Members to postmark their requests for exclusion from the Class was July 19, 2016. As of the date of this declaration, Epiq has processed 10 unique requests for exclusion. A list of the Settlement Class Members requesting to be excluded is attached hereto as Exhibit D. No objections were received.

21. Epiq is continuing to process recently submitted mail and claim forms. Because some individuals circumvent the official request for exclusion process and simply write their

exclusion request on the claim form that was mailed to them, additional requests for exclusion may be identified. The volume is expected to be minimal.

Claim Forms

22. The deadline for Class Members to file a claim is no later than 45 days after the Court issues final approval. Epiq is continuing to receive and process both paper and electronic claims. As of August 16, 2016, the number of validated claims is 52,928.

* * *

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of August, 2016, at Beaverton, Oregon.

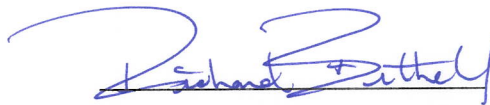
A handwritten signature in blue ink, appearing to read "Richard B. Bithell", is written over a horizontal line.

Exhibit A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROSE COULTER-OWENS,
individually, and on behalf of all others
similarly situated,

Plaintiff,

v.

RODALE INC., a Pennsylvania
Corporation,

Defendant.

Case No. 2:14-cv-12688

Honorable Robert H. Cleland

**DECLARATION OF STEPHANIE J. FIERECK, ESQ.
ON IMPLEMENTATION OF CAFA NOTICE**

I, STEPHANIE J. FIERECK, ESQ., hereby declare and state as follows:

1. My name is Stephanie J. Fiereck, Esq. I am over the age of 21 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.
2. I am the Legal Notice Manager for Epiq Legal Noticing, a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans.
3. Epiq Legal Noticing is a division of Epiq Systems ("Epiq"), a firm with more than 20 years of experience in claims processing and settlement administration. Epiq's class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service, claims database management, claim adjudication, funds management and distribution services.

**DECLARATION OF STEPHANIE J. FIERECK, ESQ.
ON IMPLEMENTATION OF CAFA NOTICE**

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for the Defendant Rodale Inc., three officials, which included the Attorney General of the United States, the Attorney General of Michigan and an Assistant Attorney General of Michigan were identified to receive the CAFA notice.

6. Epiq maintains a list of these state and federal officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the three names and addresses selected from Epiq's list were verified, then run through the Coding Accuracy Support System ("CASS") maintained by the United States Postal Service ("USPS").¹

7. On December 30, 2015, Epiq sent five CAFA Notice Packages ("Notice"). The Notice was mailed by certified mail to the Attorney General of Michigan and an Assistant Attorney General of Michigan. The Notice was also sent by United Parcel Service ("UPS") to the Attorney General of the United States, the Attorney General of Michigan and an Assistant Attorney General of Michigan. The CAFA Notice Service List (USPS Certified Mail and UPS) is attached hereto as **Attachment 1**.

8. The materials sent to the Attorneys General included a cover letter which provided notice of the proposed settlement of the above-captioned case. The cover letter is attached hereto as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

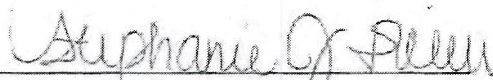
- a. Class Action Complaint with Exhibits;

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

- b. Motion for Preliminary Approval of Class Action Settlement;
- c. Class Action Settlement Agreement (with exhibits);
- d. [Proposed] Preliminary Approval of Settlement Order; and
- e. Forms of Class Notice, which are the exhibits to the Settlement

Agreement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 11, 2016.


Stephanie J. Fiereck, Esq.

**DECLARATION OF STEPHANIE J. FIERECK, ESQ.
ON IMPLEMENTATION OF CAFA NOTICE**

Attachment 1

CAFA Notice Service List

USPS Certified Mail

Company	FullName	Address1	Address2	City	State	Zip
Department of Attorney General	Bill Schuette	PO Box 30212		Lansing	MI	48909
Department of Attorney General, State of Michigan	Joshua O. Booth	PO Box 30754		Lansing	MI	48909

CAPA Notice Service List

UPS

Company	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Loretta E. Lynch	950 Pennsylvania Ave NW		Washington	DC	20530
Michigan Department of Attorney General	Bill Schuette	G. Mennen Williams Building 7th Floor	525 W. Ottawa St.	Lansing	MI	48909
Michigan Department of Attorney General	Joshua O. Booth	G. Mennen Williams Building 7th Floor	525 W. Ottawa St.	Lansing	MI	48909

Attachment 2

NOTICE ADMINISTRATOR FOR UNITED STATES DISTRICT COURT

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqsystems.com

December 30, 2015

VIA UPS OVERNIGHT AND CERTIFIED MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Sir or Madam:

Pursuant to the “Class Action Fairness Act,” (“CAFA”), 28 U.S.C. §1715, please find enclosed information being sent by Defendant Rodale Inc. (“Rodale”) relating to the proposed settlement of a class action lawsuit.

- **Case:** *Coulter-Owens v. Rodale Inc.*, Case No. 2:14-cv-12688.
- **Court:** United States District Court for the Eastern District of Michigan, Southern Division.
- **Defendant:** Rodale Inc.
- **Judicial Hearing Scheduled:** At this time, a Final Approval Hearing has not been scheduled by the Court. At the time of the hearing, these matters may be continued without further notice. Notice of the date of the Final Approval Hearing will be posted to the settlement website www.MichiganMagazineSettlement.net.
- **Documents Enclosed:** Copies of the following documents are contained on the enclosed CD in Adobe Acrobat PDF format:
 - Class Action Complaint with Exhibits;
 - Motion for Preliminary Approval of Class Action Settlement;
 - Class Action Settlement Agreement (with exhibits);
 - [Proposed] Preliminary Approval of Settlement Order; and
 - Forms of Class Notice, which are the exhibits to the Settlement Agreement.

NOTICE ADMINISTRATOR FOR UNITED STATES DISTRICT COURT

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqsystems.com

- Pursuant to 28 U.S.C. §1715(b)(7)(A) and (B), Rodale states that it is not feasible to provide a list of names of settlement class members at this time. Rodale, however, reasonably estimates that 100% of the settlement class reside in Michigan and that the approximate size of the settlement class is 580,000.

Very truly yours,

Notice Administrator for United States District Court

Enclosures

Exhibit B

Magazine Subscriber Privacy Settlement
Settlement Administrator
P.O. Box 3207
Portland, OR 97208-3207

**BARCODE NO
PRINT ZONE**

**COURT-AUTHORIZED NOTICE OF CLASS
ACTION AND PROPOSED SETTLEMENT**

**OUR RECORDS INDICATE YOU HAVE
SUBSCRIBED TO A RODALE INC.
MAGAZINE AND ARE ENTITLED
TO A PAYMENT FROM A CLASS
ACTION SETTLEMENT.**

A Settlement has been reached in a class action lawsuit claiming that Defendant magazine publisher Rodale Inc. disclosed its customers' subscription information without permission to third parties for marketing purposes. The Plaintiff claims that the disclosure of this information violated Michigan privacy law and Defendant's contracts with its customers. The Defendant denies it violated any law but has agreed to the Settlement to avoid the uncertainties and expenses associated with continuing the case.

By Order of the Court Dated:
May 3, 2016

BARCODE NO PRINT ZONE

<NAME LINE 1>
<ADDRESS LINE 1>
<ADDRESS LINE 2>
<CITY, STATE ZIP>
<COUNTRY>

Barcode No Print Zone

MAGAZINE SUBSCRIBER PRIVACY SETTLEMENT CLAIM FORM

THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR POSTMARKED NO LATER THAN 45 DAYS AFTER THE DATE OF THE ENTRY OF THE FINAL JUDGEMENT AND MUST BE FULLY COMPLETED, BE SIGNED, AND MEET ALL CONDITIONS OF THE SETTLEMENT AGREEMENT.

Instructions: Fill out each section of this form and sign where indicated.

Name (First, M.I., Last): _____

Street Address: _____

City: _____ State: _____ ZIP Code: _____

Email Address (optional): _____

Contact Phone #: (_____) _____ - _____ (You may be contacted if further information is required.)

Class Member Verification: By submitting this Claim Form and checking the boxes below, I declare that I believe I am a member of the Settlement Class and that the following statements are true. (Each box must be checked to receive a payment.)

- ☐ I have a Michigan street address and purchased a subscription to a Rodale Publication between July 1, 2009 and May 3, 2016. Rodale Publications include: *Bicycling*, *Men's Health*, *Organic Life* (formerly *Organic Gardening*), *Prevention*, *Running Times*, *Runner's World*, and *Women's Health*.
- ☐ Under penalty of perjury, all information provided in this Claim Form is true and correct to the best of my knowledge and belief.

Signature: _____ Date: _____ / _____ / _____

Print Name: _____

The Settlement Administrator will review your Claim Form. If accepted, you will be mailed a check for a *pro rata* share depending on the number of valid Claim Forms received. This process takes time; please be patient.

Questions? Visit www.MichiganMagazineSettlement.net or call 1-877-853-4241.

Am I a Class Member? Our records indicate you may be a Class Member. Class Members are persons with Michigan street addresses who purchased a subscription to one or more of the Rodale magazines listed on the reverse side of this postcard.

What Can I Get? If approved by the Court, Defendant will establish a Settlement Fund of \$4,500,000 to pay all valid claims submitted by the Settlement Class, together with notice and administration expenses, attorneys' fees and costs, and an incentive award. If you are entitled to relief, you may submit a claim to receive a *pro rata* share of the Settlement Fund, estimated at \$100 per Class Member. In addition to this monetary relief, for a period of four (4) years following Preliminary Approval, the Defendant has agreed not to disclose any Michigan Subscriber Information to third-party marketing companies without the prior express written consent of the affected subscribers. Defendant has also updated its Privacy Policy to further explain its disclosure practices. A copy of the updated Privacy Policy is available for your review at www.rodaleinc.com/privacy-policy and at www.MichiganMagazineSettlement.net.

How Do I Get a Payment? You must submit a timely and properly completed Claim Form, submitted online or postmarked, no later than forty-five (45) days after the date of the entry of the Final Judgment. You may use the Claim Form attached to this Notice or submit one online at www.MichiganMagazineSettlement.net.

What Are My Other Options? You may exclude yourself from the Class by sending a letter to the Settlement Administrator no later than July 19, 2016. If you exclude yourself, you cannot get a Settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed Settlement. Your written objection must be filed no later than July 19, 2016. Specific instructions about how to object

to, or exclude yourself from, the Settlement are available at www.MichiganMagazineSettlement.net. If you file a claim or do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant will be released.

Who Represents Me? The Court has appointed lawyers Jay Edelson, Ari J. Scharg, and Benjamin S. Thomassen from Edelson PC to represent the Settlement Class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement?

The Court will hold the Final Approval Hearing at 10 a.m. on September 7, 2016 at the United States District Court in the Federal Building, 526 Water Street, Port Huron, Michigan 48060. At that hearing, the Court will hear any objections concerning the fairness of the Settlement; determine the fairness of the Settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. Defendant has agreed to pay Class Counsel in an amount to be determined by the Court. Class Counsel will seek no more than 40% of the Settlement Fund; the Court may award less than this amount.

How Do I Get More Information? For more information, including the full Notice, Claim Form, and Settlement Agreement, go to www.MichiganMagazineSettlement.net; contact the Settlement Administrator at 1-877-853-4241 or Magazine Subscriber Privacy Settlement Administrator, P.O. Box 3207, Portland, OR 97208-3207; or call Class Counsel at 1-866-354-3015. **Please do not contact the Court or the Judge with questions about the Settlement or claims process.**



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO 581 PORTLAND OR

POSTAGE WILL BE PAID BY ADDRESSEE

MAGAZINE SUBSCRIBER PRIVACY SETTLEMENT
SETTLEMENT ADMINISTRATOR
PO BOX 3207
PORTLAND OR 97208-9885



Exhibit C

From: MagazineSettlement@MichiganMagazineSettlement.net

Re: Legal Notice of Class Action Settlement

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
Coulter-Owens v. Rodale, Inc., Case No. 2:14-cv-12688
(United States District Court for the Eastern District of Michigan)

This notice is to inform you of the Settlement of a class action lawsuit with magazine publisher Rodale Inc., the Defendant in this case. Plaintiff Rose Coulter-Owens alleges that Defendant disclosed its customers' subscription information to third parties for marketing purposes without permission, in violation of Michigan privacy law. Defendant denies any wrongdoing but has agreed to settle the claims against it.

Am I included? You are included if you have a Michigan street address and purchased a subscription to a Rodale Publication between July 1, 2009 and May 3, 2016. Rodale Publications include the following: *Bicycling*, *Men's Health*, *Organic Life* (formerly *Organic Gardening*), *Prevention*, *Running Times*, *Runner's World*, and *Women's Health*.

More information is available at www.MichiganMagazineSettlement.net.

What do I get? Defendant will establish a Settlement Fund of \$4,500,000 to pay all valid claims submitted by the Settlement Class, together with notice and administration expenses, attorneys' fees and costs, and an incentive award. If you are entitled to relief, you may submit a claim to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates to be about \$100 per Settlement Class Member, although the final amount will depend on the number of valid claims submitted. In addition to this monetary relief, for a period of four (4) years following Preliminary Approval, the Defendant has agreed not to disclose any Michigan Subscriber Information to third-party marketing companies without the prior express written consent of the affected subscribers. Defendant has also updated its Privacy Policy to further explain its disclosure practices. A copy of the updated Privacy Policy is available for your review at www.rodaleinc.com/privacy-policy and at www.MichiganMagazineSettlement.net.

How do I receive a payment? To receive a payment, you must submit a Claim Form by mail or online. You may submit the Claim Form online at www.MichiganMagazineSettlement.net or download a Claim Form from the website and submit it to the Settlement Administrator by mail. You may also request a paper copy of the Claim Form by writing to the Settlement Administrator at the address below or by calling toll-free 1-877-853-4241. Your Claim Form must be submitted online, or postmarked, no later than 45 days after the Court issues an order granting Final Approval.

Additional rights. To get out of the Settlement, you must exclude yourself by **July 19, 2016**. If you stay in the Settlement, you will not be able to sue Defendant for any claims released as part of the Settlement. If you disagree with any part of the Settlement and do not exclude yourself, you may object to the Settlement by **July 19, 2016**. The Court will hold a Final Approval Hearing at 10 a.m. on **September 7, 2016** at the United States District Court in the Federal Building, 526 Water Street, Port Huron, MI 48060 to consider whether to approve the Settlement, request for attorneys' fees (up to 40% of the Settlement Fund), and a

From: MagazineSettlement@MichiganMagazineSettlement.net

Re: Legal Notice of Class Action Settlement

Class Representative award of \$5,000. The Court has appointed lawyers Jay Edelson, Ari J. Scharg, and Benjamin S. Thomassen of Edelson PC to represent the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

For more information, including obtaining a more detailed Notice, Claim Forms, a copy of the Settlement Agreement, and other court documents, please visit www.MichiganMagazineSettlement.net or call the Settlement Administrator at 1-877-853-4241, or write to the Settlement Administrator at Magazine Subscriber Privacy Settlement Administrator, P.O. Box 3207, Portland, OR 97208. You may also call Class Counsel directly at 1-866-354-3015.

Please Do Not Contact the Court or the Judge with Questions about the Settlement or Claims Process.

Exhibit D

Coulter-Owens v. Rodale**Class Member Opt Out List**

Number	Class Member Name
1	WADE LEIST
2	TIA ORDONEZ
3	BOB SELMA
4	ORAY SMITH
5	JOANN VAN EVERY
6	MARJORIE BEECHLER
7	MARISSA GLEWEN
8	FRANK CHALKER
9	STACI MIMS
10	CHARLENE KLEEHAMMER